

STATE OF ALABAMA

Plaintiff

vs.

WILLIAM D. DOBBINS, JR.

Defendant

CONDEMNATION

CASE NO. 2115

JUDGMENT

On the 8th day of October, 1973, came into open Court the plaintiff, State of Alabama, by and through its attorneys, Harrison and Conwill, and also came the defendant, William D. Dobbins, Jr., by and through his attorney, John H. Lavette, on an appeal by the aforesaid defendant from the final order of condemnation entered in the Probate Court of Shelby County, Alabama, on to-wit, as Parcel No. 9 the 12th day of December, 1972, relating to the lands described in paragraph 3 of the application for condemnation herein, filed in the Probate Court of Shelby County on, to-wit, the 15th day of September, 1972;

Whereupon, State of Alabama, by and through its said attorneys, gave evidence in open court and it was decreed by the Court as follows: That the State of Alabama is authorized by the Constitution and Laws of the State of Alabama to institute and prosecute this proceeding in its own name for the purposes herein stated;

Thereupon, said State of Alabama, by and through its said attorneys and the said defendant by and through his attorney, stipulated and agreed in open court as follows: That the lands described in Paragraph 3 of the application for condemnation herein belong to the said William D. Dobbins, Jr.; that the rights sought to be condemned herein are being condemned by State of Alabama for the purpose of planning or construction of a certain public road or highway to-wit, leading from U. S. Highway 31 South in Alabaster to a point East of Pelham, in Shelby County, Alabama, said public road or highway to be known or designated as State of Alabama Highway Department Project No. I-65-2(11).

IT IS, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that such application of State of Alabama for the rights, ways and rights of way described in said application for condemnation filed herein with reference to the defendant, William D. Dobbins, Jr. and the lands described as Parcel No. 9 in Paragraph 3, be and the same is hereby granted.

Thereupon, the Court proceeded to have assessed by a jury the damages and compensation to which the said defendant is entitled for the rights, ways and rights of way which the plaintiff proposes to take and condemn for the uses and purposes set forth in said application with reference to the said lands of the said defendant, William D. Dobbins, Jr.;

Thereupon, on the 12 day of October, 1973, came a jury, to-wit, Marvin Neal Bailey, foreman, and eleven others, who, having been duly sworn and impaneled on the 8th day of October, 1973, according to law, upon their oath did say:

Certified a true and complete copy

Van Rues, ob
Register of Circuit Court

Inst. # 1993-04121
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SHELBY COUNTY JUDGE OF PROBATE

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We the jury assess the damages in favor of the defendants in the sum of \$45,000.00.

And it appearing to the Court that the plaintiff has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of \$37,000.00 in money pursuant to the decree of the Probate Court of Shelby County rendered on, to-wit, the 12th day of December, 1972, as damages and compensation for the condemnation of the lands and rights and easements described in said application with reference to the lands of the defendant described as Parcel No. 9 in Paragraph 3 of said application;

IT IS, therefore, ordered, adjudged and decreed by the Court that the plaintiff pay into Court the sum of \$8,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said rights, ways and rights of way which the applicant proposes to take and condemn as described in said application as Parcel No. 9 in Paragraph 3 thereof, are condemned, granted and awarded to the plaintiff, State of Alabama, with the rights and for the uses and purposes set forth in said application, and that all rights, ways and rights of way prayed for in said application which are now condemned, granted and awarded to the plaintiff, State of Alabama, in and by this decree, by and the same are hereby divested out of the defendant, William D. Dobbins, Jr., being the owner of the lands described as Parcel 9 in Paragraph 3 of said application, and vested in the plaintiff, State of Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, State of Alabama, be and it is hereby granted the right to plan or construct a certain public road or highway, to-wit, leading from U. S. Highway 31 South in Alabaster to a point East of Pelham, in Shelby County, Alabama, said public road or highway to be known or designated as State of Alabama Highway Department Project No. I-65-2(11), together with all the rights conferred by law and all the rights conferred by law and all the rights that are necessary, useful or convenient to the full enjoyment of said rights, ways and rights of way for such uses and purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court pay over to the defendant, William D. Dobbins, Jr. or his attorney of record, the sum of \$45,000.00 which sum consists of the \$37,000.00 heretofore paid into the Court by the plaintiff and the further sum of \$8,000.00 to be paid into Court by the plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY the Court that the plaintiff, State of Alabama, pay all costs herein, for which let execution issue.

Done in open court, this the 12 day of October, 1973.

s/ James H. Sharbutt
Judge of the Circuit Court of
Shelby County, Alabama

Filed in Office this the 18th
day of January, 1974.
Kyle Lansford
Clerk of Circuit Court
Shelby County, Alabama

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